

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 02 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEAN MATSUNAGA,

Defendant - Appellant.

No. 06-10214

D.C. No. CR-99-00473-SOM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, District Judge, Presiding

Submitted June 18, 2008**

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

Sean Matsunaga appeals from the district court's decision, following a
limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Cir. 2005) (en banc), concluding that it would not have imposed a materially different sentence had it known the Sentencing Guidelines were advisory. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Matsunaga contends that the district court violated his Sixth Amendment rights by relying on judge-found facts to increase his sentence. We conclude that the district court understood "the full scope of [its] discretion in a post-*Booker* world," *see United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006), and that Matsunaga has not raised any issues that are reviewable, *see United States v. Thornton*, 511 F.3d 1221, 1226 (9th Cir. 2008).

AFFIRMED.